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**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
149-0041US

In re Application of: Melody Vos and Jeff Stavin

Application No.: 09/991,581

Filed: November 21, 2005

For: Database Management System and Method which Automatically Schedules and Performs Actions and Monitors Results

The owner, BMC Software Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/880,770, filed on 11/21/2001, as such term is defined in 35 U.S.C. 164 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record. Reg. No. 38,559

  
Signature \_\_\_\_\_ Date June 20, 2005  
Coe F. Miles  
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